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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/934,987

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Ghassan Naim

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06/08/2005

ALCATEL USA
INTELLECTUAL PROPERTY DEPARTMENT
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EXAMINER

WONG, BLANCHE

ART UNIT

PAPER NUMBER

2667

DATE MAILED: 06/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

6

Office Action Summary	Application No. 09/934,987	Applicant(s) NAIM ET AL.	
	Examiner Blanche Wong	Art Unit 2667	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-16 is/are allowed.
- 6) ☒ Claim(s) 1-8 and 17-19 is/are rejected.
- 7) ☒ Claim(s) 20-22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>Jan27'03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

On p.12, para. [0055], -- CAMEL -- is undefined in the Specification.

On p.13, para. [0074], -- DTAP -- is undefined in the Specification.

Appropriate correction is required.

Claim Objections

2. Claim 22 is objected to because of the following informalities:

In ln. 12-13, Examiner suggests replacing -- media gateway -- with "wireless media gateway" as in ln. 2 and 8.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-3,8,17-19** are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Tran et al. (U.S. Pat No. 6,154,646).

With regard to cl. 1 and 17, Tran discloses in Fig. 2

initiating a call 31 (Incoming CALL, col. 3, ln. 61) from a caller (calling party, col. 3, ln. 64) to a callee (user, col. 3, ln. 67) through a wireless switch 15 (MSC/BS, col. 3, ln. 61);

initiating a data session 13 (HDML browser, col. 3, ln. 66; HDML is for handheld devices, col. 2, ln. 63-64) to the callee from an application server 19 (HDML server)(HLR/SCP 18 includes a HDML server 19, Fig. 1, col. 3, ln. 54) connected to the wireless switch 15 (MSC/BS)(HLR/SCP is connected to MSC/BS, Fig. 1, col. 3, ln. 50);

sending 34 (pop-up menu presented w/ call-treatment options, col. 3, ln. 67) a plurality of options to the callee from the application server;

selecting 35 (user selection, col. 4, ln. 2) at least one option by the callee;

transmitting 37 (a R-DATA message to the MSC/BS, col. 4, ln. 6-7) the at least one option to the application server; and

performing (perform the selected call treatment, col. 4, ln. 17-20) that at least one option.

With regard to cl. 2 and 18, Tran further discloses at least one option is connecting the caller to voicemail (call-treatment option can include redirecting the call to voice mail, col. 2, ln. 61).

With regard to cl. 3 and 19, Tran further discloses at least one option is forwarding the caller to a mobile user (call-treatment option can include redirecting the call to another number, col. 2, ln. 60)(given the omnipresence of mobile phones, another number can be that of a mobile user).

With regard to cl. 8, Tran further discloses sending the mobile user the plurality of options from the application server 19 (HDML server)(HLR/SCP 18 includes a HDML server 19, Fig. 1, col. 3, ln. 54).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 4 and 5** are rejected under 35 U.S.C. 103(a) as being unpatentable over Tran in view of Itzkovitz et al. (U.S. Pub. No. 2003/0165135).

With regard to cl. 4, Tran discloses the method of cl. 1. However, Tran fails to explicitly show an interactive response unit at a call center.

In an analogous art, Itzkovitz teaches an interactive response unit (an SCP that analyzes the calls and returns instructions, para. [0007], ln. 4-5.) at a call center (an SCP that is responsible for provisions of an 800-number service, para. [0007], ln. 1-2).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include an interactive SCP of a call center nature. The suggestion/motivation for doing so would have been to move intelligent services out of the network switch to separate service points, such as SCP. Itzkovitz, para. [0006], ln. 1-3. Therefore, it would have been obvious to combine Itzkovitz with Tran for the benefit of incorporating intelligent network that enables real-time execution of network

services and customer applications in a distributed environment to obtain the invention as specified in cl. 4.

With regard to cl. 5, Tran discloses the method of claim 1. However, Train fails to explicitly show a first and second call center.

In analogous art, Itzkovitz teach a first call center (an SCP that is responsible for provisions of an 800-number service, para. [0007], ln. 1-2) that can forward the caller (transfer the call, para. [0007], ln. 9).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have redundancy of the first call center and forwarding forwards to the second call center. The suggestion/motivation for doing so would have been to provide for an unified IN architecture that allows different service providers to create SCPs that implement their own particular services, independent of the underlying network technology. Itzkovitz, para. [0006], ln. 9-12. Therefore, it would have been obvious to combine Itzkovitz with Tran for the benefit of an intelligent network to obtain the invention as specified in cl. 5.

7. **Claims 6 and 7** are rejected under 35 U.S.C. 103(a) as being unpatentable over Tran.

With regard to cl. 6, Tran discloses the method of cl. 1. However, Tran fails to explicitly show deactivating the data session from the application server after the at least one option is transmitted.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include deactivation. The suggestion/motivation for doing so would have been that all sessions of any kind must be deactivated at some point in time. Therefore, it would have been obvious that there would be deactivation before another session to obtain the invention as specified in cl. 6.

With regard to cl. 7, Tran discloses the method of cl. 6. However, Tran fails to explicitly show establishing a voice connection between caller and the callee.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have a voice connection. The suggestion/motivation for doing so would have been that the original intention of the caller is to make a call to the callee, with or without a data session from a pop-up menu. Therefore, it would have been obvious that there would be voice connection, with or without the convenience of a menu of call-treatment option, to obtain the invention as specified in cl. 7.

Allowable Subject Matter

8. **Claims 9-16** are allowed.
9. Claims 20 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
10. The following is a statement of reasons for the indication of allowable subject matter:

With regard to cl. 9, the prior art of record fails to anticipate or make obvious "sending a plurality of options in a menu format to the callee from the application server through the wireless media gateway; ... transmitting the at least one option to the application server through the wireless media gateway," as recited in cl. 9.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blanche Wong whose telephone number is 571-272-3177. The examiner can normally be reached on Monday through Friday, 830am to 530pm.

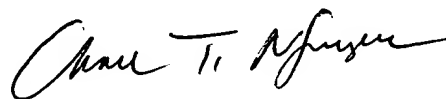
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BW

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May 27, 2005



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